

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CARL RUSSELL, )  
Plaintiff )  
 )  
v. ) CIVIL ACTION NO. 04-30171-MAP  
 )  
FRANKLIN COUNTY, ET AL, )  
Defendants )

**MEMORANDUM AND ORDER REGARDING**  
**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**  
**(Docket No. 7)**

October 27, 2005

PONSOR, U.S.D.J.

This is an action brought by the Plaintiff, pro se, directed at conditions in the Franklin County House of Corrections. On September 23, 2005, Defendants filed a Motion for Summary Judgment, on the ground that the Plaintiff is no longer an inmate at the Franklin County House of Corrections and therefore may not claim injunctive relief. Further, Defendants argue that any claims for damages would be barred by the Eleventh Amendment.

In violation of the Local Rules, Plaintiff has failed to file any opposition to the Motion for Summary Judgment. Given this violation, and the fact that the defendants' arguments are certainly colorable, the Motion for Summary Judgment is hereby ALLOWED. The clerk is ordered to enter judgment for all Defendants. This case may now be closed.

It is So Ordered.

/s/ Michael A. Ponsor

MICHAEL A. PONSOR

U. S. District Judge